

ORIGINAL

IN THE SUPREME COURT OF THE STATE OF NEVADA

FRANCHISE TAX BOARD OF THE
STATE OF CALIFORNIA,

Case No.: 53264

Appellant/Cross-Respondent,

FILED

vs.

JUN 08 2009

GILBERT P. HYATT,

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

Respondent/Cross-Appellant.

MOTION FOR EXTENSION OF TIME FOR OPENING BRIEF

Appellant hereby moves for a 30-day extension of time for the opening brief. The brief is presently due on June 18, 2009. Thus, appellant requests an extension until July 20, 2009.

This is an appeal from a \$490 million tort judgment in favor of an individual plaintiff, against a California state agency, arising out of a tax audit. The judgment includes damages of \$85 million for emotional distress; \$52 million for invasion of privacy; \$1.1 million for attorneys fees as special damages; \$250 million in punitive damages; and approximately \$100 million in prejudgment interest.

The case was litigated for approximately 10 years before trial, generating more than 168,000 discovery documents, more than 20 dispositive motions, and at least 50 motions in limine. The trial lasted four months, with more than 50 witnesses and thousands of exhibits. There have also been several post-trial motions. There are numerous unusual and complex legal issues; the appendix will be large; and the briefs will necessarily be very difficult to prepare.

Since receiving this court's scheduling order for briefs, appellant's attorneys have been diligently working on the difficult task of studying the district court record, evaluating issues and preparing the brief. But appellant's attorneys will be unable to prepare the brief and the appendix within the present time limit, due to the size of the record and the number and

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EXTENSION OF TIME IS SO ORDERED TO
AND INCLUDING July 20, 2009

[Signature], Clerk of Court
cc: Counsel of Record

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complexity of the legal issues. Accordingly, appellant requests a 30-day extension, until July 20, 2009, for filing the opening brief.

This motion is made in good faith, and without the intent to cause unnecessary delay in the appeal.

Dated this 5th day of June, 2009.

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Franchise Tax Board of the State of California

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CERTIFICATE OF MAILING

Pursuant to NRAP 25, I certify that I am an employee of Lemons, Grundy & Eisenberg and that on this date I caused to be deposited for mailing at Reno, Nevada, a true copy of the foregoing addressed to:

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DATED: 6/5/09

Melvin Steffen